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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
DESAI, RACHNA SINGH

ART UNIT	PAPER NUMBER
2176	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/315,621	RAJKUMAR, AJAY	
	Examiner	Art Unit	
	RACHNA S. DESAI	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/3/09*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/03/09 has been entered.

2. Claims 1-20 are pending in the case. Claim 1, 16, and 19 are independent claims.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 19-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19-20 are considered non-functional descriptive material because it is merely claiming a database with a record. In this case, the elements, when taken as a whole, constitute a mere compilation of data and is thus non-statutory. Consequently, claims 19-20 recite nonfunctional descriptive

material because the data elements do not impart any functionality to the computer. Descriptive material, such as mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture or composition of matter.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-2, 13-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view of Maes et al., US 6,016,476, 1/18/00 (filed 1/16/98) and Applicant Admitted Prior Art (hereinafter referred to as AAPA), instant specification page 3, lines 15-27.

In reference to claim 1, Mogenis discloses a method in which a customer contacts a 911 service in which audio information is received by a controller at a security center. When the controller receives data from the customer, the controller is connected to a data source with information about customer. This meets the limitation,

obtaining the client identifier from the client; accessing the record in a database using the client identifier. The controller can record and archive the audio information received via the communication into a database for playback at another time. The security center may include a recording or archiving database or memory, which automatically records the video, audio, and/or other sensor information arriving at center for later use by the responding emergency party, if required, or for evaluation. A playback arrangement 214 is illustrated as being coupled to memory 212 in figure 2. Please see figure 2, columns 3-4, and column 5, lines 1-15. This meets the limitation, ***recording at least a portion of the client contact with the client as an audio file; storing the audio file on a recording media; and linking the audio file to the record"***.

Claim 1 recites accessing a "financial" record in the database. Mogenis' system is directed at accessing a record in a database using a client identifier and recording the client contact as an audio file. Regardless of the "type" of record disclosed by Mogenis, the features of the claimed invention are taught; however, the "financial" record is not explicitly stated.

Maes teaches a system and method for recording consumer transactions by a financial institution. Part of the system includes providing a client PDA to the user comprising a microphone for processing voice commands. The user can speak into the microphone and the audio is processed and stored in the central server which is linked to the financial record of the financial institution. See abstract and columns 8-9. Maes teaches associating an audio file with a financial record in a database. A record in a

database can comprise of a variety of types of information including that of financial information as shown by Maes' system. A record is simply a complete set of information by definition. This meets the claimed ***financial record in a database*** and ***accessing the financial record in the database.***

Since Mogenis teaches linking an audio file to a record in the database and it was well known in the art at the time of the invention for records to comprise a variety of "types of information" including financial information (as taught by Maes), it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the features of Maes and Mogenis to arrive at a system of storing an audio file with a record in a database to correlate the audio file with a client recording because it retrieves information that is pertinent to the user id. Furthermore, Mogenis' system teaches a means for linking an audio file to a database record. While this may not be directed to a "financial" record, there is no reason why one of ordinary skill in the art would be limited to only one type of record. Mogenis' system could be applied to any type of record without interfering with the purpose of associating and storing an audio file to a record.

Mogenis/Maes do not expressly state, ***requesting a client to provide a client identifier during a client contact with the client*** although the client identifier is obtained. However, Applicant's own specification on page 3, lines 17-25 (Applicant Admitted Prior Art) states, "Obtaining information from the client can be accomplished in any known manner. For example, an operator asks the client for information, or system 100 plays a recorded message that asks the client to enter the information either verbally or through the keypad on the client's telephone" which meets the limitation,

requesting a client to provide a client identifier during a client contact with the client.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have incorporated AAPA's teachings of requesting a client to provide an identifier within the system of Mogenis/Maes because the client identifier assists in finding associated information regarding the user in the database and one of ordinary skill in the art would have been capable of applying this known technique to a known method that was ready for improvement and the results would have been predictable to one of ordinary skill in the art.

In reference to claim 2, Mogenis teaches archiving and recording the audio file and the record. A link is a pointer to another record. See figure 2 and column 5, lines 1-10. This meets the limitation, ***wherein linking the audio file to the financial record comprises storing a pointer to the audio file in a field of the financial record.***

In reference to claim 13, Mogenis discloses a method in which a customer contacts a 911 service in which audio information is received by a controller at a security center. When the controller receives data from the customer, the controller is connected to a data source with information about customer. This meets the limitation, ***the contact comprises a telephone call***. The controller can record and archive the audio information received via the communication into a database for playback at another time. This meets the limitation, ***the recording step comprises recording at***

least a portion of the conversation that takes place over the telephone call. See columns 3-5.

In reference to claim 14, Mogenis' system allows the security center to activate certain sources upon receipt of the phone call which meets the limitation, ***wherein the recording, storing, and linking steps are performed responsive to the client content dealing with predefined criteria***. See columns 3-4.

In reference to claim 15, Mogenis discloses a method in which a customer contacts a 911 service in which audio information is received by a controller at a security center. When the controller receives data from the customer, the controller is connected to a data source with information about customer. This meets the limitation, ***the client contact comprises a telephone call initiated by the client***. See columns 3-5.

Regarding claim 16, Mogenis discloses a method in which a customer contacts a 911 service in which audio information is received by a controller at a security center. When the controller receives data from the customer, the controller is connected to a data source with information about customer. This meets the limitation, ***obtaining the client identifier from the client; accessing the record in a database using the client identifier, the record containing information relating to an account of the identified client***, ***the client identifier (i) corresponding to a record in a database***

and (ii) identifying one of a plurality of clients The controller can record and archive the audio information received via the communication into a database for playback at another time. The security center may include a recording or archiving database or memory, which automatically records the video, audio, and/or other sensor information arriving at center for later use by the responding emergency party, if required, or for evaluation. A playback arrangement 214 is illustrated as being coupled to memory 212 in figure 2. Please see figure 2, columns 3-4, and column 5, lines 1-15. This meets the limitation, ***recording at least a portion of the client contact with the client as an audio file; storing the audio file on a recording media; and linking the audio file to the record***.

Additionally, Mogenis teaches the use of an "archiving database" for recording the audio information. Thus Mogenis teaches storing the audio file on a system with one or more audio files which meets the limitation, ***recording media having stored thereon one or more audio files relating to additional clients.***

Claim 1 recites accessing a "financial" record in the database. Mogenis' system is directed at accessing a record in a database using a client identifier and recording the client contact as an audio file. Regardless of the "type" of record disclosed by Mogenis, the features of the claimed invention are taught; however, the "financial" record is not explicitly stated.

Maes teaches a system and method for recording consumer transactions by a financial institution. Part of the system includes providing a client PDA to the user comprising a microphone for processing voice commands. The user can speak into the

microphone and the audio is processed and stored in the central server which is linked to the financial record of the financial institution. See abstract and columns 8-9. Maes teaches associating an audio file with a financial record in a database. A record in a database can comprise of a variety of types of information including that of financial information as shown by Maes' system. A record is simply a complete set of information by definition. This meets the claimed ***financial record in a database*** and ***accessing the financial record in the database.***

Since Mogenis teaches linking an audio file to a record in the database and it was well known in the art at the time of the invention for records to comprise a variety of "types of information" including financial information (as taught by Maes), it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the features of Maes and Mogenis to arrive at a system of storing an audio file with a record in a database to correlate the audio file with a client recording because it retrieves information that is pertinent to the user id. Furthermore, Mogenis' system teaches a means for linking an audio file to a database record. While this may not be directed to a "financial" record, there is no reason why one of ordinary skill in the art would be limited to only one type of record. Mogenis' system could be applied to any type of record without interfering with the purpose of associating and storing an audio file to a record.

Mogenis/Maes do not expressly state, ***requesting a client to provide a client identifier during a client contact with the client*** although the client identifier is obtained. However, Applicant's own specification on page 3, lines 17-25 (Applicant Admitted Prior Art) states, "Obtaining information from the client can be accomplished in

any known manner. For example, an operator asks the client for information, or system 100 plays a recorded message that asks the client to enter the information either verbally or through the keypad on the client's telephone" which meets the limitation, ***requesting a client to provide a client identifier during a client contact with the client.***

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have incorporated AAPA's teachings of requesting a client to provide an identifier within the system of Mogenis/Maes because the client identifier assists in finding associated information regarding the user in the database and one of ordinary skill in the art would have been capable of applying this known technique to a known method that was ready for improvement and the results would have been predictable to one of ordinary skill in the art.

In reference to claim 17, Mogenis teaches a 911 recording system. It was well known in the art at the time of the invention to record time information upon receiving a 911 call. Time information includes date and time. This meets the limitation, ***storing the date on which the audio file was recorded as part of the audio file.***

Regarding claim 19, Mogenis discloses a method in which a customer contacts a 911 service in which audio information is received by a controller at a security center. When the controller receives data from the customer, the controller is connected to a data source with information about customer. This meets the limitation, ***a database***

comprising a plurality of records each associated with a client identifier and accessed using the client identifier.

The controller can record and archive the audio information received via the communication into a database for playback at another time. The security center may include a recording or archiving database or memory, which automatically records the video, audio, and/or other sensor information arriving at center for later use by the responding emergency party, if required, or for evaluation. A playback arrangement 214 is illustrated as being coupled to memory 212 in figure 2. Please see figure 2, columns 3-4, and column 5, lines 1-15. This meets the limitation, ***the records configured to identify one or more audio files stored on the recording media related to the client, with the one or more audio files linked to the client identified by one of the plurality of records.***

Claim 1 recites accessing a "financial" record in the database. Mogenis' system is directed at accessing a record in a database using a client identifier and recording the client contact as an audio file. Regardless of the "type" of record disclosed by Mogenis, the features of the claimed invention are taught; however, the "financial" record is not explicitly stated.

Maes teaches a system and method for recording consumer transactions by a financial institution. Part of the system includes providing a client PDA to the user comprising a microphone for processing voice commands. The user can speak into the microphone and the audio is processed and stored in the central server which is linked to the financial record of the financial institution. See abstract and columns 8-9. Maes

teaches associating an audio file with a financial record in a database. A record in a database can comprise of a variety of types of information including that of financial information as shown by Maes' system. A record is simply a complete set of information by definition. This meets the claimed ***financial record*** *in a database*.

Since Mogenis teaches linking an audio file to a record in the database and it was well known in the art at the time of the invention for records to comprise a variety of "types of information" including financial information (as taught by Maes), it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the features of Maes and Mogenis to arrive at a system of storing an audio file with a record in a database to correlate the audio file with a client recording because it retrieves information that is pertinent to the user id. Furthermore, Mogenis' system teaches a means for linking an audio file to a database record. While this may not be directed to a "financial" record, there is no reason why one of ordinary skill in the art would be limited to only one type of record. Mogenis' system could be applied to any type of record without interfering with the purpose of associating and storing an audio file to a record.

Mogenis/Maes do not expressly state, ***the client identifier provided by the client in response to a request during client contact*** although the client identifier is obtained. However, Applicant's own specification on page 3, lines 17-25 (Applicant Admitted Prior Art) states, "Obtaining information from the client can be accomplished in any known manner. For example, an operator asks the client for information, or system 100 plays a recorded message that asks the client to enter the information either verbally or through the keypad on the client's telephone" which meets the limitation, ***the***

client identifier provided by the client in response to a request during client contact.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to have incorporated AAPA's teachings of requesting a client to provide an identifier within the system of Mogenis/Maes because the client identifier assists in finding associated information regarding the user in the database and one of ordinary skill in the art would have been capable of applying this known technique to a known method that was ready for improvement and the results would have been predictable to one of ordinary skill in the art.

7. Claims 6, 8, 9, 11, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view of Maes et al., US 6,016,476, 1/18/00 (filed 1/16/98) and AAPA, as applied to claims 1, 16, and 19 above, and further in view of Dockes et al., US Patent 5,974,004, 10/26/99 (filed 12/21/98, continuation filed 11/7/96).

In reference to claim 6, Mogenis/Maes do not teach storing the audio file on a recording media wherein the media is a CD-R. However, Dockes discloses ***storing the audio file on a blank CD-R***. See column 2, lines 53-60. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Docke's teachings of storing an audio file on a CD-R in the system of Mogenis because it provides a means for long-term storage of an audio file.

In reference to claim 8, Mogenis does not explicitly teach accessing a field in the record having a pointer to the audio file. Dockes discloses a method in which a field in the record is linked to an audio file and a writing means is provided for storing the audio on a recording media which meets the limitation **accessing a field in the record, the field having a pointer to the audio file, wherein the pointer identifies a location where the audio file is stored on the recording media**). See column 3, lines 14-19 and column 5, lines 1-6. Dockes further discloses a link between the physical disc (recording media) and the indexing data (in the database) which allows the user **access the location on the recording media identified by the pointer.** See column 8, lines 28-50. Dockes does not explicitly disclose a means of accessing the record in the database; however, Mogenis discloses accessing a database to play an audio file that has been archived. See columns 3-5.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Docke's method of identifying a location of an audio file on a recording media in a system such as Mogenis' since it allows a user to identify the location of an audio recording that may be relevant to a specific client. Moreover, once the method for obtaining, linking, and storing a file has occurred, providing the user with the ability to access the database would have been obvious to one of ordinary skill in the art at the time of the invention in order to offer an efficient means to locate the relevant audio file.

In reference to claim 9, Dockes teaches a means of linking the audio data in digital format which meets the limitation, ***wherein the audio file is a digital audio file.*** See column 2, lines 42-60 and column 5, lines 1-6. It would have been obvious to one of ordinary skill in the art at the time of the invention to include Docke's digital audio format as a means for recording the audio file since it was common to provide information in digital format in a computer.

In reference to claim 11, Mogenis does not teach storing the audio file on a recording media wherein the media is a CD-R. However, Dockes discloses storing the ***audio file on a blank CD-R.*** See column 2, lines 53-60. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Docke's teachings of storing an audio file on a CD-R in the system of Mogenis because it provides a means for long-term storage of an audio file.

In reference to claim 18, Mogenis/Maes disclose a **financial record** and **an audio file associated with a financial record** as outlined in claim 16 above.

Mogenis does not explicitly teach storing a pointer associated with the audio file within a financial record, the pointer identifying a location on the recording media where the associated audio file is stored. However, Dockes discloses a method in which a field in the record is linked to an audio file and a writing means is provided for storing the audio on a recording media which meets the limitation **storing a pointer associated with the audio file, the pointer identifying a location on the recording**

media where the audio file is stored. See column 3, lines 14-19 and column 5, lines 1-6.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Docke's method of identifying a location of an audio file on a recording media in a system such as Mogenis' since it allows a user to identify the location of an audio recording that may be relevant to a specific client. Moreover, once the method for obtaining, linking, and storing a file has occurred, providing the user with the ability to access the database would have been obvious to one of ordinary skill in the art at the time of the invention in order to offer an efficient means to locate the relevant audio file.

In reference to claim 20, Mogenis/Maes disclose a **financial record** and **an audio file associated with a financial record** as outlined in claim 16 above.

Mogenis does not explicitly teach a pointer associated with each of the one or more audio files and identifying a location on the recording media where the associated audio file is stored, the pointer stored within the financial record of the client associated with the one or more audio files. However, Dockes discloses a method in which a field in the record is linked to an audio file and a writing means is provided for storing the audio on a recording media which meets the limitation, **a pointer associated with each of the one or more audio files and identifying a location on the recording media where the associated audio file is stored, the pointer stored within the record of**

the client associated with the one or more audio files. See column 3, lines 14-19 and column 5, lines 1-6.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate Docke's method of identifying a location of an audio file on a recording media in a system such as Mogenis' since it allows a user to identify the location of an audio recording that may be relevant to a specific client. Moreover, once the method for obtaining, linking, and storing a file has occurred, providing the user with the ability to access the database would have been obvious to one of ordinary skill in the art at the time of the invention in order to offer an efficient means to locate the relevant audio file.

8. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view Maes et al., US 6,016,476, 1/18/00 (filed 1/16/98) and AAPA, as applied to claim 1 above, and further in view of Dockes et al., US Patent 5,974,004, 10/26/99 (filed 12/21/98, continuation filed 11/7/96) and DeMartin et al., US Patent 6,226,672, 5/1/01 (filed 5/2/97).

In reference to claim 3, Mogenis teaches linking an audio file to a record. Maes discloses linking an audio file to a **financial record** as outlined in claim 1 above. Neither Mogenis/Maes state digitizing the audio file or storing the audio file in a digital recording media or analog format.

Dockes teach a means of linking the audio data in digital format. Dockes teaches a means of linking the audio data in digital format which meets the limitation, ***digitizing the audio file***. See column 2, lines 42-60 and column 5, lines 1-6. Dockes discloses ***storing the audio file in a digital recording media.*** See column 2, lines 53-60. Once digitized, the audio file is stored on a recording media (such as CD) and is linked to a record in the database using a pointer which meets the limitation, ***storing a pointer to the digitized audio file in a field of record***. See column 2, lines 42-60 and column 5, lines 1-6.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include Docke's digital audio format as a means for recording the audio file since it was common to provide information in digital format in a computer. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Docke's teachings of storing an audio file on a CD-R in the system of Mogenis because it provides a means for long-term storage of an audio file.

Dockes does not disclose storing the audio file in an analog format on an analog recording media; however, DeMartin teaches a database storing information for songs recorded on various data storage media (analog or digital) which meets the limitation, ***storing the audio file on the recording media comprises storing the audio file in an analog format on an analog recording media***. See column 3, lines 45-59.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate storing an audio file in analog format on an analog recording media as disclosed by DeMartin within Mogenis/Maes/AAPA/Dockes' system

of linking an audio file in digitized form since audio files in digitized form are compressed.

In reference to claim 4, Mogenis teaches linking an audio file to a record. Mogenis/Maes disclose linking an audio file to a **financial record** as outlined in claim 1 above, but do not expressly state digitizing the audio file or storing the audio file in an analog format.

Dockes teaches a means of linking the audio data in digital format. Once digitized, the audio file is stored on a recording media (such as CD) and is linked to a record in the database using a pointer which meets the limitation, ***digitizing the audio file***. See column 2, lines 42-60 and column 5, lines 1-6.

Dockes does not disclose storing the digitized audio file within the field of a record; however, Mogenis/Maes disclose a financial record in a database consisting of both textual, graphical information and the associated audio information which meets the limitation, ***storing the digitized audio file in a field of the financial record***.

Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a digitized version of the audio file within the record since it was common at the time to include audio information within a record in a database.

Dockes does not disclose storing the audio file in an analog format on an analog recording media; however, DeMartin teaches a database storing information for songs recorded on various data storage media (analog or digital) which meets the limitation,

storing the audio file on the recording media comprises storing the audio file in an analog format on an analog recording media. . See column 3, lines 45-59.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate storing an audio file in analog format on an analog recording media as disclosed by DeMartin within Mogenis/Maes/AAPA/Dockes' system of linking an audio file in digitized form since audio files are compressed in digitized form.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view Maes et al., US 6,016,476, 1/18/00 (filed 1/16/98) and AAPA, as applied to claim 1 above, and further in view of Kelly et al., US Patent 6,047,292, 4/4/00 (filed 9/12/96).

In reference to claim 5, Mogenis/Maes/AAPA do not teach storing the audio file on tape. Kelly teaches that it was common in the art at the time of the invention to ***store data on a cassette tape***; however, with the storage capacity that a CD provides, the recording media is being shifted to that of CD-R. See column 1. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a tape as a recording media file since it was well known at the time to store audio data on a tape for long-term storage means.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view of Maes et al.,

US 6,016,476, 1/18/00 (filed 1/16/98), AAPA, and Dockes et al., US Patent 5,974,004, 10/26/99 (filed 12/21/98, continuation filed 11/7/96), as applied to claim 8 above, and further in view of Kelly et al., US Patent 6,047,292, 4/4/00 (filed 9/12/96).

In reference to claim 10, Mogenis/Maes/AAPA/Dockes do not teach storing the audio file on tape. Kelly teaches that it was common in the art at the time of the invention to ***store data on a cassette tape***; however, with the storage capacity that a CD provides, the recording media is being shifted to that of CD-R. See column 1. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a tape as a recording media file since it was well known at the time to store audio data on a tape for long-term storage means.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view of Maes et al., US 6,016,476, 1/18/00 (filed 1/16/98) and AAPA, as applied to claim 1 above, and further in view of Akagiri, US Patent 5,491,481, 2/13/96.

In reference to claim 7, Mogenis/Maes/AAPA do not disclose storing the audio file on semiconductor memory; however, Akagiri teaches that ***semiconductor memories are used as recording media.*** See column 1, lines 61-67. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Akagiri's disclosure of a semiconductor memory recording device in the

system disclosed jointly by Mogenis/Maes/AAPA since semiconductor memory allows for additional compression which would be useful in recording audio.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mogenis et al., US Patent 6,466,258, 10/15/02 (filed 2/12/99) in view of Maes et al., US 6,016,476, 1/18/00 (filed 1/16/98), AAPA, and Dockes et al., US Patent 5,974,004, 10/26/99 (filed 12/21/98, continuation filed 11/7/96), as applied to claim 8 above, and further in view of Akagiri, US Patent 5,491,481, 2/13/96.

In reference to claim 12, Mogenis/Maes/AAPA/Dockes do not disclose storing the audio file on semiconductor memory; however, Akagiri teaches that ***semiconductor memories are used as recording media.*** See column 1, lines 61-67. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Akagiri's disclosure of a semiconductor memory recording device in the system disclosed jointly by Mogenis/Maes/AAPA/Dockes since semiconductor memory allows for additional compression which would be useful in recording audio.

Response to Arguments

13. Applicant's arguments with respect to claims 1-20 have been fully considered.

On pages 6-8, Applicant argues Mogenis/Maes do not teach the amended portion reciting, ***requesting a client to provide a client identifier during client contact, the client identifier associated with a financial record in a database.***

Applicant's arguments have been considered but are moot in view of the new ground of rejection presented above.

Mogenis/Maes teach a client identifier associated with a financial record in a database as outlined the rejections above. However, Mogenis/Maes do not expressly state, ***requesting a client to provide a client identifier during a client contact with the client***. However, Applicant's own specification on page 3, lines 17-25 (Applicant Admitted Prior Art) states, "Obtaining information from the client can be accomplished in any known manner. For example, an operator asks the client for information, or system 100 plays a recorded message that asks the client to enter the information either verbally or through the keypad on the client's telephone" which meets the limitation, ***requesting a client to provide a client identifier during a client contact with the client.*** It would have been obvious to a person of ordinary skill in the art at the time of the invention to have incorporated AAPA's teachings of requesting a client to provide an identifier within the system of Mogenis/Maes because the client identifier assists in finding associated information regarding the user in the database and one of ordinary skill in the art would have been capable of applying this known technique to a known method that was ready for improvement and the results would have been predictable to one of ordinary skill in the art.

On pages 8-9, Applicant argues Mogenis does not teach the "recording" step of claim 1. However, the Board of Patent Appeals and Interferences (BPAI) has already affirmed the rejections including this limitation. Thus, under the principles of res judicata and case estoppel, the Applicant is not entitled to features that are patentably indistinguishable from the affirmed claim.

For clarity, the following arguments with respect to the recording step were affirmed by the BPAI decision rendered on 12/16/08.

Figure 2, columns 3-4, and column 5, lines 1-15 of Mogenis teaches the recording step of claim 1. Mogenis discloses that the security center may include a *recording or archiving database or memory*, which automatically *records the video, audio, and/or other sensor information* arriving at center for later use by the responding emergency party, if required, or for evaluation which meets the limitation, ***recording at least a portion of the client contact with the client as an audio file***. A playback arrangement 214 is illustrated as being coupled to memory 212 in figure 2. Thus Mogenis explicitly teaches recording and storing the audio information as an archiving database or memory is a means for storing an audio file. The claims recite the limitation "storing the audio file on a recording media" which is the same as "recording audio information in a database or memory where a playback arrangement is coupled to the memory". Furthermore, on the bottom of page 9 of the Appeal Brief, Appellant admitted this feature is taught by Mogenis when they state, "Mogenis refers to a recording/archival means. . .the recording/archival means could refer to an unsigned temporary file, a STORAGE storing data."

Since the BPAI affirmed the Examiner's arguments above, these rejections with respect to the "recording" step are maintained.

In view of the comments above, the rejections are maintained.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHNA S. DESAI whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4090.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rachna S Desai/
Primary Examiner, Art Unit 2176
04/07/09